

## REMARKS

In the Office Action mailed October 2, 2006, claims 1 and 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hottman (U.S. Patent No. 5,027,473) in view of Wronski (U.S. Patent No. 5,392,494); claims 2, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hottman in view of Broghammer (U.S. Patent No. 3,421,177); claims 3, 4, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hottman in view of Feldberg (U.S. Patent No. 2,635,281). The foregoing rejections are respectfully traversed.

Claims 2 and 9 have been cancelled without prejudice or disclaimer. Claims 1, 6 and 10 have been amended. Claims 1 and 6 now include the features of cancelled claims 2 and 9, respectively.

Claims 1, 3, 4, 6-8 and 10-12 are pending and under consideration. Reconsideration is respectfully requested.

Claim 1 has been amended to recite "a refrigerator having a cabinet with a pair of hinge holes, a door having a pair of hinge shafts and being rotatably coupled to the cabinet by engagement between the pair of hinge shafts and the pair of hinge holes, and a door-closing device to allow the door to be automatically closed toward the cabinet, the door-closing device comprising: an auxiliary hinge shaft attached to a bottom of the door; a restoring unit in a bottom of the cabinet to bias the door toward the cabinet when the door is opened; a hinge lever connected between the auxiliary hinge shaft and the restoring unit and having a coupling hole in which the auxiliary hinge shaft fits; a cap fitted on an end of the hinge lever where the coupling hole is formed, wherein the **cap comprises a slot at a side thereof to receive the hinge lever, upper and lower through-holes formed at upper and lower walls of the cap such that the auxiliary hinge shaft passes through the upper and lower through-holes of the cap and the coupling hole of the hinge lever; and a grommet fitted in the coupling hole of the hinge lever and receiving the auxiliary hinge shaft, an upper end of the grommet having a flange that radially extends from the grommet and that is supported on the hinge lever, with the cap being interposed between the flange and the hinge lever**". Claim 6 recites features somewhat similar to those recited in amended claim 1.

Hottman discusses a refrigerator door closer including a spring housing mounted inside of a leveler housing and a compression spring positioned in the housing. The spring is retained in the housing by means of a U-shaped linkage having a spring retainer mounted on the end

thereof. The linkage is connected to the door plate by means of a door closer arm (see column 2, lines 42-50). The arm includes a hook at one end and an aperture at the other end. The arm is connected to the linkage via the hook and to the door plate via a pivot pin (see column 60-63 and FIGS. 2-4, for example).

At page 2 of the Office Action, the Examiner admits that Hottman fails to discuss the Applicant's "cap" as recited in claim 1, for example. However, the Examiner asserts that Wronski discusses this feature and that it would be obvious to modify Hottman to disclose such a feature. The Applicant respectfully disagrees with the Examiner's assertion.

The Applicant respectfully submits that there is **no motivation** to combine Hottman with Wronski. Wronski is not related to the present invention or Hottman. Instead, Wronski merely discusses **a window stay** having a connection formed between a projection and an end cap which defines a through passage to receive the projection. The end cap having an annular projection which is dimensioned to snap fit into a circular groove in the projection (see Abstract). The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art without the use of impermissible hindsight knowledge. As set forth in *Ecolochem, Inc. v. Southern California Edison*, 227

F.3d 1361, 1375, 56 USPQ2d 1065, 1075 (Fed. Cir. 2000):

"[T]he suggestion to combine may be found in explicit or implicit teachings within the references themselves, from the ordinary knowledge of those skilled in the art, or from the nature of the problem to be solved." ... However, there still must be evidence that "a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." ... "[A] rejection cannot be predicated on the mere identification ... of individual components of claimed limitations. Rather particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed."

Thus, the Applicant respectfully submits Hottman does not imply the use of a cap to cover the arm, and one of ordinary skill in the art would not think to modify a refrigerator door closing device as disclosed in Hottman with the end cap of the window stay disclosed in Wronski. Therefore, the combination of Hottman and Wronski fails to establish a prima facie case of obviousness over the present invention.

The “cap” as recited in claim 1 of the present invention, for example, eliminates various problems such as abrasions of components associated with the coupling hole, and grease applied to the coupling hole and the lever attracting dust due to exposure to the external environment (see paragraphs [0002] and [0029] of the specification of the present invention).

Further, at page 2 of the Office Action, the Examiner asserts that Broghammer discloses the Applicant’s “grommet” as recited in amended claims 1 and 6, for example. The Applicant respectfully disagrees with the Examiner.

Instead, Broghammer merely discusses a hinge assembly having upper and lower flanges for attachment to a door. As shown in FIG. 2, for example, a bushing 6 having a hole 6b for grease is formed in a flange 6a of the bushing 6. The bushing 6 is inserted into the sleeve 2b. However, Broghammer fails to discuss “a grommet fitted in the coupling hole of the hinge lever and receiving the auxiliary hinge shaft, an upper end of the grommet having a flange that radially extends from the grommet and that is supported on the hinge lever, **with the cap being interposed between the flange and the hinge lever**”, as recited in amended claim 1, for example. As mentioned above, claim 6 has been amended to recite features somewhat similar to those recited in amended claim 1, therefore, the comments mentioned above may also be applied to the rejection of claim 6.

Dependent claims 3-4 and 7-8 and 10-12 depend from claims 1 and 6, respectively. Therefore, the comments mentioned above may be applied here also.

Therefore, any combination of the foregoing references fails to establish a prima facie case of obviousness over the present invention.

Withdrawal of the rejections is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/28/2006

By: 

Deidre M. Davis  
Registration No. 52,797

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501